

**UNITED STATES DISTRICT COURT
SOUTHERN DIVISION OF TEXAS
HOUSTON DIVISION**

ADAM KEY,

)

Plaintiff,

)

CIVIL ACTION NO.: _____

V.

)

**MARION GORDON "PAT" ROBERTSON)
and REGENT UNIVERSITY,**

)

Defendants.

PLAINTIFF'S ORIGINAL COMPLAINT

NOW COMES Plaintiff Adam Key and files this original complaint against Marion Gordon "Pat" Robertson and Regent University and will show the Court the following:

STATEMENT OF CASE

1. Adam Key is a Christian and was a second-year law student at Regent University School of Law which is accredited by the American Bar Association. Pat Robertson is the president of Regent University and a highly visible religious and political figure and has called for the assassination of democratically-elected President Hugo Chavez of Venezuela, campaigned for President of the United States and in 2007 endorsed Rudy Guiliani for President of the United States.

2. In September of 2007 Adam viewed on YouTube¹ a video which depicted Robertson scratching his face with his middle finger and ends with a still frame of the

¹ YouTube was created in February 2005 and is a video sharing website where users can upload, view and share video clips. Unregistered users can watch most videos on the site, while registered users are permitted to upload an unlimited number of videos.

“Robertson Finger.” See picture at **Exhibit 1**. Noting the political and religious speech and expression aspects of the “Robertson Finger” Adam made his Facebook profile picture² the “Robertson Finger.”

3. Regent University officials bargained with Adam that if Adam would limit his speech by taking down the Robertson Finger from Facebook and put it in an academic context then there would be no discipline.

4. Adam immediately took the picture down from Facebook and wrote an academic critique regarding Religious Freedom of Speech concerning the Robertson Finger and posted the critique to a Regent University e-mail discussion group. Regent University then expelled Adam Key from law school without providing notice or an opportunity to be heard.

5. Adam complains that Defendants, in bad faith, conspired to, and did, violate his rights under contract to not expel Adam as well as the First, Fifth, and Fourteenth Amendments to the United States Constitution and the Higher Education Act and defamed him when they maliciously, unreasonably, and illegally ousted him from law school for exercising his right to Freedom of Religious an Political Speech and expression or other lawful behavior and did so without due process of law.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Plaintiff’s federal claims, under 28 U.S.C. §§ 1331 and, 2201, 42 U.S.C. §§ 1983 and 1988, and diversity jurisdiction as plaintiff was at all

²Facebook is a social networking website that allows people to communicate with their friends and exchange information. It is available to users with any email address, if they are within a certain age range. Users can select to join one or more participating networks, such as a high school, place of employment, or geographic region. A profile picture will appear whenever the use posts to his Facebook networks.

times relevant a resident of Harris County, Texas, and defendant Pat Robertson is a resident of Virginia and Regent University is located in Virginia Beach, Virginia. Supplemental jurisdiction exists, under 28 U.S.C. § 1367(a), to hear Plaintiff's state law claims.

7. Venue is proper in this Court, under 28 U.S.C. § 1391(b), because events relating to the incident at issue took place in Harris County, Texas, within the United States Southern District of Texas.

PARTIES

- 8. Plaintiff Adam Key is an individual and a resident of Harris County, Texas.
- 9. Defendant Pat Robertson is an individual and a resident of Virginia.
- 10. Defendant Regent University is a private college in Virginia Beach, Virginia.

FACTS

11. Adam Key is 23 years old and was born in Spring, Harris County, Texas, where he has maintained his residence all his life. Adam has never been arrested nor convicted of any crime. Adam is a Christian having been baptized in the Lutheran faith and a member of Trinity Lutheran Church in Spring, Texas. In high school Adam traveled to West Virginia and Oklahoma as a part of a Christian service group to repair homes for those who could not afford the repairs.

12. Adam received a bachelor's degree from Stephen F. Austin State University (SFA) with a GPA of 3.3. While at SFA Adam was in the Honor Student Association, Chi Alpha--a Christian service organization, Dreambuilders--an SFA student group of Habitat for Humanity, and the Young Conservatives of Texas. Adam participated in International Public Debate Association's competitions and was ranked third in the nation by Phi Kappa Delta, a national debate honorary society.

13. In his last year at SFA Adam took the Law School Admission Test (LSAT) and applied at several law schools. Adam was accepted at the University of Houston Law Center in Harris County, Texas. Regent University School of Law (Regent) in Virginia Beach, Virginia sent several promotional fliers, letters and an admission packet addressed to Adam in Spring, Texas. Regent phoned Adam in Spring, Texas, to encourage him to come to Regent. Regent offered Adam a \$60,000 scholarship such offer being sent to Adam in Spring, Texas.³ Regent University, including the law school, has education programs, activities, and divisions of the institution which directly or indirectly receives financial assistance under the Higher Education Act.

14. In Spring, Texas Adam viewed Regent's website recruiting law students throughout the United States and claiming that 20% of their students are from Virginia and 80% are not from Virginia. Regent sent materials to Adam stating they are American Bar association accredited.⁴ A December 15, 2005, Regent letter sent to Adam in Spring, Texas boasted that

³Tuition alone at Regent School of Law is around \$ 75,000.00 so Adam expended a substantial sum to attend Regent even with the scholarship.

⁴Most state bar associations require graduation from an ABA-accredited school to be eligible for a law license. ABA law school accreditation standards require that:

Standard 211. NON-DISCRIMINATION AND EQUALITY OF OPPORTUNITY

(c) This Standard does not prevent a law school from having a religious affiliation or purpose and adopting and applying policies of admission of students and employment of faculty and staff that directly relate to this affiliation or purpose so long as (i) notice of these policies has been given to applicants, students, faculty, and staff before their affiliation with the law school, and (ii) the religious affiliation, purpose, or policies do not contravene any other Standard, including Standard 405(b) concerning academic freedom. These policies may provide a preference for persons adhering to the religious affiliation or purpose of the law school, but shall not be applied to use admission policies or take other action to preclude admission of applicants or retention of students on the basis of race, color, religion, national origin, gender, sexual orientation, age or disability. This Standard permits religious affiliation or purpose policies as to admission, retention, and employment only to the extent that these policies are protected by the United States Constitution. It is administered as though the First Amendment of the United States Constitution

former United States Attorney General John Ashcroft is a faculty member and that “Regent law Students are engaged in actual *religious and civil liberties* cases taking place in our courts today.” Regent sent Adam a letter in Spring, Texas that boasts about Regent’s constitutional law course including concerning “individual rights” and “the First Amendment.” See **Exhibit 2**.

15. April 7, 2007, Jay Alan Sekulow, Chief Counsel for Regent University sent to Adam in Spring, Texas, that he was “pleased to hear about [Adam’s] interest in attending Regent Law School” and boasted that “*you won’t find a school anywhere that offers more opportunities*” ... “*in the defense of religious liberties.*” See **Exhibit 3**.

16. Adam entered Regent in the fall of 2006. While at Regent University School of Law Adam was a member of the Federalist Society and the Christian Legal Society. While attending Regent Adam would regularly evangelize by introducing people in Virginia Beach, Virginia to the teachings of Jesus Christ.

17. Pat Robertson is the founder and president of Regent University, a resident of Virginia and a highly visible political figure and has called for the assassination of democratically-elected President Hugo Chavez of Venezuela, campaigned for President of the United States and in 2007 endorsed Rudy Guiliani for President of the United States.

18. Pat Robertson has made many statements--some completely ridiculous--including advocating murder and predicting widespread death and destruction, which are clearly not in line with the teachings of Jesus Christ, such as:

governs its application. (emph. added)

"You know, I don't know about this doctrine of assassination, but if he thinks we're trying to assassinate him [President Hugo Chavez], I think that we really ought to go ahead and do it. It's a whole lot cheaper than starting a war ... We have the ability to take him out, and I think the time has come that we exercise that ability. We don't need another \$200 billion war to get rid of one, you know, strong-arm dictator. It's a whole lot easier to have some of the covert operatives do the job and then get it over with."

--Pat Robertson, The 700 Club, August 23, 2005

"The feminist agenda is not about equal rights for women. It is about a socialist, anti-family political movement that encourages women to leave their husbands, kill their children, practice witchcraft, destroy capitalism, and become lesbians."

--Pat Robertson, fundraising letter, 1992

"When I said during my presidential bid that I would only bring Christians and Jews into the government, I hit a firestorm. 'What do you mean?' the media challenged me. 'You're not going to bring atheists into the government? How dare you maintain that those who believe in the Judeo Christian values are better qualified to govern America than Hindus and Muslims?' My simple answer is, 'Yes, they are.'"

--from Pat Robertson's "The New World Order," page 218.

"If anybody understood what Hindus really believe, there would be no doubt that they have no business administering government policies in a country that favors freedom and equality. ...Can you imagine having the Ayatollah Ruhollah Khomeini as defense minister, or Mahatma Gandhi as minister of health, education, and welfare? The Hindu and Buddhist idea of karma and the Muslim idea of kismet, or fate condemn the poor and the disabled to their suffering. ... It's the will of Allah. These beliefs are nothing but abject fatalism, and they would devastate the social gains this nation has made if they were ever put into practice."

--Pat Robertson's The New World Order, page 219.

"Supreme Court decisions are binding in the court systems ... but in terms of general law, which binds every citizen, why should you and I be bound because of the ineptitude, if you will, or the skill of one or more defense lawyers, or the plaintiffs in any particular lawsuit?"

-- Pat Robertson, The 700 Club, October 23, 1987

"I am absolutely persuaded one of the reasons so many lesbians are at the forefront of the pro-choice movement is because being a mother is the unique characteristic of womanhood, and these lesbians will never be mothers naturally, so they don't want anybody else to have that privilege either."

-- Pat Robertson, The 700 Club, May 28, 1993

"To see Americans become followers of Islam is nothing short of insanity.... The Islamic people, the Arabs, were the ones who captured Africans, put them in slavery, and sent them to America as slaves. Why would the people in America want to embrace the religion of slavers.

-- Pat Robertson, quoted from the American Muslim Council press release, "Statement regarding anti-Muslim comments made by Pat Robertson on October 27, 1997"

"It's one thing to say, 'We have rights to jobs ... we have rights to be left alone in our little corner of the world to do our thing.' It's an entirely different thing to say, well, 'We're not only going to go into the schools and we're going to take your children and your grandchildren and turn them into homosexuals.' Now that's wrong."

-- Pat Robertson, The 700 Club television program, September 17, 1992

"The widespread practice of homosexuality will bring about the destruction of your nation, it will bring about terrorist bombs, if it'll bring about earthquakes, tornadoes and possibly a meteor, it isn't necessarily something we ought to open our arms to."

-- Pat Robertson, The 700 Club, August 6, 1998

"You say you're supposed to be nice to the Episcopalians and the Presbyterians and the Methodists and this, that, and the other thing. Nonsense. I don't have to be nice to the spirit of the Antichrist. I can love the people who hold false opinions but I don't have to be nice to them."

--Pat Robertson, The 700 Club, January 14, 1991

19. None of the above religious and political views reflected in the above statements were told to Adam Key in the many communication sent to him by Regent University when Regent was inducing Adam to attend Regent Law School. When Adam asked Regent about Pat Robertson's role at the Regent law school he was assured that such role was minimal.

20. In September of 2007 Adam viewed on YouTube⁵ a humorous video which depicted Robertson scratching his face with his middle finger and ends with a still frame of the

⁵ YouTube was created in February 2005 and is a video sharing website where users can upload, view and share video clips. Unregistered users can watch most videos on the site, while registered users are permitted to upload an unlimited number of videos.

“Robertson Finger.” See picture at **Exhibit 1**. Noting the political and religious speech aspects of the “Robertson Finger” Adam made his Facebook profile picture⁶ the “Robertson Finger.” Regent University officials threatened disciplinary action because they alleged the picture was obscene and not in an academic context. Adam immediately took the picture down from Facebook and wrote an academic critique regarding Freedom of Speech concerning the Robertson Finger and posted the critique to a Regent University e-mail discussion group. See **Exhibit 4**. Regent University then suspended Adam Key, effectively for at least two years, from law school without providing notice and an opportunity to be heard.

21. Regent University President Marion Gordon “Pat” Robertson spoke out to the media concerning Adam:

“In general, no action should be taken against anyone who exercises their freedom of speech and expression, and that includes criticism or satire of the chancellor. However, we do not feel that freedom of speech encompasses the practice of the deliberate manipulation of television images to transform an innocent gesture into something obscene.”

VIOLATION OF FREEDOM OF SPEECH, ASSEMBLY AND RELIGION

22. The First Amendment provides that:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

⁶ Facebook is a social networking website that allows people to communicate with their friends and exchange information. It is available to users with any email address, if they are within a certain age range. Users can select to join one or more participating networks, such as a high school, place of employment, or geographic region. A profile picture will appear whenever the user posts to his Facebook networks.

23. Defendants' unlawful acts of suspending Adam from Regent violated Adam's fundamental right to freedom of speech and expression, assembly, and religion guaranteed by the First Amendment and agreed to through contract in Regent's many communications orally and in writing to Adam.

24. Defendants all acted in callous and total disregard of the United States Constitution, contract and violated well-established law and precedent. Defendants' actions were objectively unreasonable and done in bad faith.

FRAUDULENT INDUCEMENT

25. Adam was fraudulently induced to contract with Regent University to attend their law school as is made obvious from the several communications sent to him in Spring, Texas. Adam relied on Regent's many claims of religious liberty and speech and ABA-accreditation standards, that Regent was ABA-accredited (which meant First Amendment freedoms as set forth in ABA law school accreditation standards) and that Pat Robertson had little to do with the law school,

26. Claims of fraudulent inducement arise from general obligations imposed by law, not the underlying contract. *Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299, 304 (Tex. 2006) ("The duty not to fraudulently procure a contract arises from the general obligations of law rather than the contract itself, and may be asserted in tort even if the only damages are economic."); *Formosa Plastics Corp. USA v. Presidio Eng'rs and Contractors, Inc.*, 960 S.W.2d 41, 46 (Tex. 1998) ("[I]t is well established that the legal duty not to fraudulently procure a contract is separate and independent from the duties established by the contract itself.").

CONTRACT

27. The many letters and other communications sent to Adam in Spring, Texas from

Regent constitute parts of an offer that Regent would respect religious liberty and First Amendment rights including freedom of religion, speech and assembly and Adam accepted such offer. The contract was then breached when Regent suspended Adam for expressing his Christian religious and political opinions and assembled with others via the Regent University email discussion group .

28. A second contract occurred when Regent agreed to not discipline Adam if he took down the Facebook profile picture of the Robertson Finger, which Adam did. Regent then breached this contract when they disciplined Adam by suspending him causing Adam extensive damages.

PROCEDURAL AND SUBSTANTIVE DUE PROCESS

29. Procedural due process' function is to provide "an opportunity to be heard...at a meaningful time and a meaningful place," promoting fairness in dispute resolution. *Fuentes v. Shevin*, 407 U.S. 67 (1972). The 5th and 14th Amendments require that deprivations of life, liberty, or property activates due process guarantees. Liberty interests are "those privileges long recognized as essential to the orderly pursuit of happiness by free men". *Meyer v. State of Nebraska*, 262 U.S. 390 (1923).

30. Substantive due process places substantive limits on official power. Procedural due process is concerned with the procedures in which the government acts. The difference is clear from the cases of *Londoner v. Denver*, 210 U.S. 373 (1908) and *Metallic Investment Co. v. State Board of Equalization*, 239 U.S. 441 (1915). Read together, these precedents distinguish between the situation in which government singles out an individual for a deprivation based on the facts of a case, which triggers procedural due process requirements, and a broad rule affecting many people. In the former situations the government must provide the procedural protections of

notice and hearing; as the Supreme Court held in *Grannis v. Ordean*, 234 U.S. 385 (1914), “[t]he fundamental requisite of due process of law is the opportunity to be heard” (p. 394).

31. Substantive due process requires at a minimum notice and an opportunity to be heard. Defendants’ failure to notify Adam of the charges against him and give him notice of any hearing comprises a complete lack of any notice or any opportunity to be heard.

32. The Regent communications and materials sent to Adam in Spring, Texas including letters, phone calls and the Student Handbook promised such due process procedures, Freedom of Speech, Religion and Assembly and Adams claims such right under contract law and Constitutional law.

CONSPIRACY TO DEPRIVE CONSTITUTIONAL AND CONTRACT RIGHTS

33. Upon information and belief, Defendants agreed to, and did, work in concert to prevent Adam from speaking thereby violating his Freedom of Religion, Speech and Assembly even though Defendants knew that Adam’s actions were lawful and were protected by the First Amendment, Due process protections and contract law.

HIGHER EDUCATION ACT

34. Adam brings a cause under the Higher Education Act US CODE, TITLE 20.
CHAPTER 28. SUBCHAPTER I, PART B, § 1011A.

§ 1011a. Protection of student speech and association rights

(a) Protection of rights

It is the sense of Congress that no student attending an institution of higher education on a full- or part-time basis should, on the basis of participation in protected speech or protected association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division of the institution directly or indirectly receiving financial assistance under this chapter, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

(c) Definitions

For the purposes of this section:

(1) Official sanction

The term "official sanction"—

(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.

(2) Protected association

The term "protected association" means the joining, assembling, and residing with others that is protected under the first and 14th amendments to the Constitution, or would be protected if the institution of higher education involved were subject to those amendments.

(3) Protected speech

The term "protected speech" means speech that is protected under the first and 14th amendments to the Constitution, or would be protected if the institution of higher education involved were subject to those amendments.

35. Adam's freedom of speech rights and right to due process were clearly violated by defendants

DEFAMATION

36 Marion Gordon "Pat" Robertson clearly defamed Adam when he spoke to the media that Adam had "manipulated" a television image.

VIOLATION OF TEXAS BILL OF RIGHTS

37. Defendants all also violated Adam's fundamental right to free speech as guaranteed by the Bill of Rights of the Texas Constitution. *Tex. Const. art. I, §§ 8, 27.*

38. The Texas Constitution guarantees the rights of Texas residents to make their views on any subject known and to assemble together to do so.

39. The Bill of Rights of the Texas Constitution (*Tex. Const. art. I, §§ 8, 27*) states:

Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press

....

The citizens shall have the right, in a peaceable manner to assemble

together ... and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

40. Defendants caused Mr. Key substantial injury in their abridgement of his fundamental state constitutional rights. Defendants acted in total disregard of the Texas Constitution and long-standing precedent and therefore can claim no immunity or excuse.

41. The Texas Constitution's right to free speech is sometimes more expansive than the corresponding U.S. Constitution guarantee. *See Ex Parte Tucci*, 859 S.W.2d 1, 5 (Tex. 1993). The Texas Supreme Court has been particularly hostile to the prior restraint of speech. *Davenport v. Garcia*, 834 S.W.2d 4, 9 (Tex. 1992) ("*Under our broader guarantee, it has been and remains the preference of this court to sanction a speaker after, not before the speech occurs.*"). A prior restraint on speech or expression is therefore presumptively unconstitutional and will withstand scrutiny only under the most extraordinary circumstances. *Id.* at 10; *Ex Parte Price*, 741 S.W.2d 366, 369 (Tex. 1987) (González, J., concurring) ("*prior restraints ... are subject to judicial scrutiny with a heavy presumption against their constitutional validity*").

42. As the Texas Supreme Court ruled eighty-five years ago: "*[I]t has never been the theory of free institutions that the citizen could say only what courts or legislatures might license him to say, or that his sentiments on any subject or concerning any person should be supervised before he could utter them.*" *Ex Parte Tucker*, 220 SW. 75, 76 (Tex. 1920). Texas courts have vigorously protected the right to free speech, and do not condone the prior restraint of political expression.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

43. Adam can recover for intentional infliction of emotional distress against

Defendants because they acted willfully and recklessly, and their conduct was extreme and outrageous. Defendants proximately caused Adam severe emotional distress.

DAMAGES

44. Adam is entitled to recover damages against Defendants, separately and jointly, for the violations of his federal constitutional rights, contract rights, detrimental reliance, and fraudulent inducement.

45. Adam is entitled to recover punitive damages against each Defendant because the actions of each were outrageous, reckless, willful, malicious, and grossly negligent.

DECLARATORY RELIEF

46. Adam seeks declaratory relief against Defendants, delineating his rights under, and Defendants' violations of, the United States and Texas Constitutions and under contract.

INJUNCTIVE RELIEF

47. Because Adam will continually express his religious views and attempt to assemble with others and his constitutional and contract rights are of great, but intangible, value, he seeks injunctive relief against Defendants, preventing them from again unlawfully interfering with the lawful exercise of his rights.

ATTORNEYS' FEES

48. Adam is entitled to recover attorneys' fees and costs to enforce his Constitutional under 42 U.S.C. Section 1983 and contract from Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Adam Key requests that the Court:

A. Enter declaratory judgment, specifying Plaintiff Adam Key's First, Fifth and Fourteenth amendment rights and his rights under contract;

B. Find that Plaintiff Adam Key is the prevailing party in this case and award attorneys' fees and costs;

C. Award damages to Adam Key against Defendants, separately and jointly; for the violations of his rights under the First, Fifth, and Fourteenth Amendments and his rights under Texas tort law and contract;

D. Award punitive damages against each individual Defendant to Adam Key for violations of his rights under the First, Fifth, and Fourteenth Amendments and his rights under tort law, fraud and contract law, as noted above;

E. Enter injunctive relief against Defendants, preventing them from again unlawfully interfering with the lawful exercise of his expressive rights under the United States and Texas Constitutions and under contract and to clear Adam Key's Regent disciplinary record and to provide a letter of good standing; and

F. Grant such other and further relief as appears reasonable and just, to which, Adam Key shows himself entitled.

RESPECTFULLY SUBMITTED
LAW OFFICE OF RANDALL L. KALLINEN

/s/ *Randall L. Kallinen*
Randall L. Kallinen

Randall L. Kallinen

State Bar of Texas No. 00790995

Southern District of Texas Bar No.: 19417

Admitted, Fifth US Circuit Court of Appeals

1406 Castle Court

Houston, Texas 77006

Telephone: 713/528-8586

Cellular: 713/320-3785

FAX: 713/528-8586

E-mail: AttorneyKallinen@aol.com

Attorney for Plaintiff

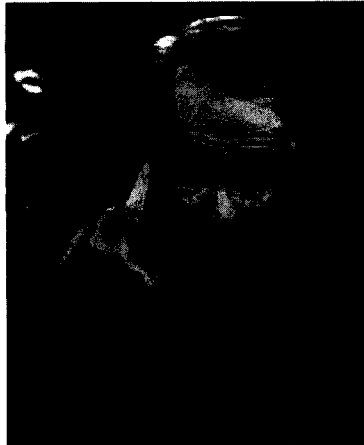


Exhibit 1



SCHOOL OF LAW
OFFICE OF ADMISSIONS

December 15, 2005

Adam M Key
7535 Boudreaux Rd
Spring TX 77379-2406

Dear Adam:

Attacks on our nation.... Violence in our schools.... The breakdown of families and morality....

Where will America find the leaders to chart a course through this crucial time in history? And where will those leaders be trained and equipped for this great task? As you begin the process of deciding which of the 190 American Bar Association (ABA)-accredited law schools best serves your goals and dreams, I encourage you to take a close look at **Regent Law School**.

Regent Law School is unique among ABA-accredited law schools because our mission is to raise-up *Christian leaders* who are called to serve in the legal profession and who are committed to being part of the solution to the challenges that face our nation.

At Regent, you'll receive a high-quality legal education from a distinguished faculty, including former U.S. Attorney General John Ashcroft, that brings a wealth of experience to the classroom in areas such as constitutional law, family law, alternative dispute resolution, corporate law and intellectual property law. In addition to the traditional educational opportunities offered by ABA-accredited schools, you can also take part in externships, clinical programs, a summer study-abroad program in Strasbourg, France and third-year practice programs.

Another clear distinctive is our close association with the American Center for Law and Justice, one of the nation's most influential public interest law firms with offices on the fourth floor of our law building. Through ACLJ clerkships and moot court presentations, Regent law students are engaged in actual religious and civil liberties cases that are taking place in our courts today and acquiring hands-on experience in constitutional law from leading attorneys like Jay Sekulow. Second or third-year law students may apply for the *ACLJ Supreme Court Semester in Washington* program. Students selected for this program will spend one semester at the ACLJ's Washington, D.C. offices, located across the street from the U.S. Supreme Court building. Students will complete 15 academic credit hours during that semester.

With such a unique synthesis of faith, heritage and learning, it is not surprising that Regent students have consistently earned top honors in moot court and negotiation competitions, including "Best Brief in the Nation" in an ABA National Appellate Advocacy Competition. For the past two years, Regent Law School was ranked by The Princeton Review as one of the top five law schools for "Quality of Life" among the "Best 159 Law Schools."

Our alumni are also making their mark on society. Regent Law grads now reside in 47 states and several foreign countries. As attorneys, educators, elected officials, and community leaders, Regent law grads take seriously the University's commitment to *Christian Leadership to Change the World*. Many Regent graduates have been elected to office at the state and municipal levels. Many others serve in leadership positions in their communities and within their law firms. If you desire to integrate your faith and your passion to make a mark as a Christian lawyer, **Regent Law** is the place for you!

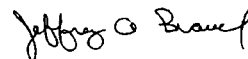
Because more people are looking to make a difference through a Christian legal education, Regent has experienced a significant increase in prospective student inquiries. We expect to matriculate approximately 175 students for the Fall 2006 entering class from an anticipated pool of approximately 775 applicants. Our anticipated academic class profile will include an average LSAT of 154 and a cumulative undergraduate GPA of 3.3. Apply on-line today! We have limited seats remaining.

Additionally, we have more than \$2.3 million in scholarship assistance to help with the costs. Over 70% of our students receive some type of financial assistance. Awards range from \$250 to 100% of tuition. In fact, I am delighted to share with you the exciting news that our Board of Trustees has approved a significant number of 100% scholarships for incoming law students who have consistently exhibited academic excellence and exceptional promise. Our goal is to attract highly qualified students who are committed to making a difference.

If this sounds like you, please take a few moments right now to request a free *Prospectus* so you can find out more about **Regent Law**. Simply call 757/226-4584 and we'll send you a *Prospectus* and application for the entering class of Fall 2006. Or, complete the reply form and mail it directly to **Regent Law School**. Even easier, e-mail us today at lawschool@regent.edu. Your name and contact information were provided to us as a result of your Law School Admission Council registration. We will send you two introductory brochures and one e-mail, but you will only be added to our prospect mailing list if you ask us to do so.

I hope you will take a closer look at **Regent Law School**. We want to help you make a difference. Thank you for your consideration; we look forward to hearing from you soon.

Sincerely,



Jeffrey A. Brauch
Dean

P.S. I hope you'll request the *Prospectus*, but if you want a quick look at what **Regent Law School** has to offer, visit www.regent.edu/law. And please feel free to call us directly if you have any questions at 757/226-4584. Or, you can e-mail us at: lawschool@regent.edu.



April 7, 2006

Adam Key
7535 Boudreaux Rd
Spring, TX 77379

Dear Adam:

I am pleased to hear about your interest in attending Regent Law School. As Chief Counsel for the American Center for Law and Justice ("ACLJ"), I can personally assure you that a Regent Law School education will be a tremendous benefit to you. ACLJ's Virginia Beach office is located on the top floor of the law school building. We usually have fifteen law student "clerks" working with our attorneys at any given time. Regent students do a fantastic job for us. And they get a unique opportunity to work on cutting edge constitutional cases with ACLJ lawyers involving issues ranging from religious liberties, defense of human life, campaign and election law, and even legal issues surrounding the war on terror. Regent Law students also have a marvelous opportunity to spend a semester at our D.C. office studying Constitutional Law, the courts, and the Congress side-by-side with ACLJ lawyers. The ACLJ Supreme Court Semester is an intensive learning experience that students will cherish for a life time.

I teach and lecture on Constitutional Law issues at Regent, and I know from both the perspective of a professor and a lawyer, that Regent Law students are well prepared and ready to enter the practice upon completion of their legal education. As an advocate who has argued numerous cases in defense of constitutional freedoms before the U.S. Supreme Court, I can assure you that Regent Law students compare favorably in their advocacy skills to students from any law school in the country. Their remarkable abilities are also evidenced by Regent's huge record of success in competing against law students from other schools in moot court and other legal skills competitions.

I urge you to give serious consideration to attending Regent Law School. The law school offers a superior legal education from top notch professors. You will also get a distinctive Christian perspective. Another great benefit to attending Regent is that you won't find a school anywhere

★

1000 Regent University Drive
Virginia Beach, Virginia 23464
(757) 226-2489

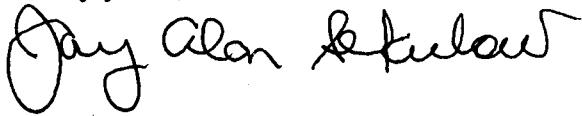
Exhibit 3

that offers more opportunities to serve God and His people, whether it's through private practice, corporate law, government service, or public interest law, such as in the defense of religious liberties, or representing indigent clients who can't afford a lawyer. Regent students and alumni are making their mark in the legal world and they're also defending traditional Christian values in venues world-wide. It's an exciting time to be at Regent and I hope you can join us in this endeavor.

Finally, please accept my latest book, Witnessing Their Faith: Religious Influence on Supreme Court Justices and Their Opinions, as a gift. The book tells the story of the impact of the various religious faiths of the Justices on Supreme Court jurisprudence. I hope you enjoy reading it.

Best wishes and God's blessings to you in your legal education.

Sincerely yours,

A handwritten signature in black ink that reads "Jay Alan Sekulow". The signature is fluid and cursive, with the first name "Jay" being particularly prominent.

Jay Alan Sekulow
Chief Counsel

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Big Media's Giant Lie - www.sixwise.com - Top Marketing Ethics Columnist Reveals their

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Standards of deceny in our Christian community [Inbox](#)

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Freedom of Expression
Regent University holds the right of expression as necessary as the right of inquiry and that both must be preserved as essential to the pursuit and dissemination of knowledge and truth. Consequently, university members, individually and collectively, may express their views through the normal student, faculty and administrative channels of communication.

EXCEPT... when such expression is considered profane/obscene. What does Regent consider profane/obscene you may ask?

9. Profanity. Profane or obscene expressions including, but not limited to, speech, which violates accepted standards of decency and Biblical conduct is prohibited (except when used in an appropriate academic context).

So who decides what's profane/obscene? This is perhaps the vaguest standard I have ever read. Not only does it rely on "accepted standards of decency," but objectionable content is not limited to that. Assuming the Regent administration is the one who decides what the acceptable standards are, this makes the previous statement about the necessity of free expression to be entirely moot. Essentially, anytime the Regent administration disagrees with someone's views, they can censor those views on the basis that it violates "accepted standards of decency."

The ability of a small group of people to decide what thousands of

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people can express is abhorrent to the very idea of free expression. Any paper or idea could be banned at the whim of the oligarchy. To quote Justice Brennan, "The First Amendment was designed 'to invite dispute,' to induce 'a condition of unrest,' to 'create dissatisfaction with conditions as they are,' and even to stir 'people to anger.'" Standards of decency should not be a way for a group to administer tranquilizers to the thoughts of the populace. Traditionally, tyrannies have been marked by subduing the individual and promote the power of the administration (again, borrowing largely from Brennan). It is not popular speech that needs protection, but offensive speech. By creating such standards, Regent tries to teach us about the Bill of Rights and tramples on it at the same time.

And what of the standards of Biblical conduct? Didn't Jesus and John the Baptist have some choice words for the Pharisees? Is calling a group a "brood of vipers" or a person a "son of hell?" profane/obscene? Jesus and John the Baptist clearly did not think so. What if I were to tell those who disagreed with me that I would rather they cut off their genitalia? Wouldn't you consider that obscene/profanity? The Apostle Paul didn't (Galatians 5:12). Have we become so wrapped up in what the world calls offensive/obscene that we would find the Bible itself to be vulgar? All Scripture is God-breathed (2 Tim 3:16), so whatever is in there came straight from God. Are we audacious enough to say that the things in the Bible don't meet our "accepted standards of decency?"

Now, I can understand the administration restricting what goes on on-campus, but apparently the code of conduct stretches much farther than that. What you publish on a personal website, for instance, must meet their vague standard of decency or you will be sanctioned. I recently was called into a dean's office because a picture I had posted of Pat Robertson extending his middle finger was considered profane/obscene by the administration. The picture was not doctored and the event happened on national television, though CBN claims he was only trying to scratch his face. Should we consider this

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profane/obscene?

Surely, the gesture itself could be considered that way, but is the picture? When newsmedia photograph and publish pictures of actions that violate "accepted standards of decency," should we hold them responsible for the obscenity... or should we hold the person who did the act responsible? Have we regressed so far that we are afraid that certain pictures might make us think, might make us doubt the perfection of our leaders, that we must do away with them? Should we go back to burning books that we don't agree with too? Does being a member of the Regent community, one purportedly dedicated to the standards of God and not of men, mean we must sweep things under the rug?

I doubt it.

Thoughts?

P.S. I have attached the offending picture of Dr. Robertson making what some would call an obscene/profane gesture. If you are offended by it, feel free not to look at it. However, because this is now presented in an academic context examining what is an is not obscenity/profanity, it meets the aforementioned Regent standard. (is prohibited (except when used in an appropriate academic context).)

ONE MORE THING: DO NOT MAKE THIS INTO A BRANCH DEBATE. IF YOU DISAGREE, E-MAIL ME PRIVATELY.

Until the nets are full,

Adam Key
Born Again, Hookah Smoking, Token Liberal, Resident Polemic

2 attachments — [Download all attachments](#)

**PatRobertsonOFFENSIVE
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>Adam Key</u> (b) County of Residence of First Listed Plaintiff <u>Harris</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) <u>Randall L. Kallinen 713/320-3785</u> <u>1406 Castle Ct, Houston, TX 77006</u>	DEFENDANTS <u>Marion Gordon "Pat" Robertson</u> <u>Virginia</u> County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%;"> <tr> <th style="text-align: left;">Plaintiff</th> <th style="text-align: left;">Defendant</th> </tr> <tr> <td> Citizen of This State <input checked="" type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td> Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1 Incorporated and Principal Place of Business In Another State <input checked="" type="checkbox"/> 2 Foreign Nation <input type="checkbox"/> 3 </td> </tr> </table>	Plaintiff	Defendant	Citizen of This State <input checked="" type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 1 Incorporated and Principal Place of Business In Another State <input checked="" type="checkbox"/> 2 Foreign Nation <input type="checkbox"/> 3
Plaintiff	Defendant				
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IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
§ 1101a of the Higher Education Act

Brief description of cause: Plaint. H suspended from law school because of speech

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 11/29/07 SIGNATURE OF ATTORNEY OF RECORD Randall L. Kallinen

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RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____